

## REMARKS

This is intended as a full and complete response to the Office Action dated October 9, 2007, having a shortened statutory period for response set to expire on January 9, 2008. Please reconsider the claims pending in the application for reasons discussed below.

### ***Claim Objections***

Claim 16 stands objected to because of informality. As requested by the Examiner, the word "microbial" has been inserted before the word "cultures." Accordingly, Applicants request withdrawal of the objection.

### ***Claim Rejections - 35 U.S.C. § 112***

Claim 12 stands rejected under 35 U.S.C. § 112, second paragraph. In response, Applicants have canceled claim 12, without prejudice. Accordingly, Applicants request withdrawal of the rejection.

### ***Claim Rejections - 35 U.S.C. § 102***

Claims 1-4, 6, 7, 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by GB 1217035. In response, Applicants respectfully traverse the rejection.

Claim 1 recites that "the reaction mixture includes an ionic buffer, and electrodes used to apply said electric field are separated from the reaction mixture by a separation membrane of a polarity to prevent transport of the ionic buffer." However, GB 1217035 fails to teach, show or suggest a process claimed with this limitation and cannot anticipate claim 1 or any claims dependent thereon. Accordingly, Applicants request withdrawal of the rejection and allowance of the claims.

### ***Claim Rejections - 35 U.S.C. § 103***

Claims 1-8, 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 1217035 in view of Xu (Desalination. 2001. 140: 247-258). Further, claims 1-11 and 13-20 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over GB '035 and *Xu* in view of *Egen et al.* (US 5,336,387), *Hongo et al.* (Applied and Environmental Microbiology. 1986. 52(2): 314-319), and *Nomura et al.* (Biotechnology and Bioengineering. 1987. 30: 788-793). In response, Applicants respectfully traverse the rejection.

*Xu*, *Egen et al.*, *Hongo et al.*, and/or *Nomura et al.* fail to overcome deficiencies of GB '035 as discussed above with respect to independent claim 1, from which all other claims depend. The Federal Circuit has held that even if all of the elements of a claimed invention are found in a combination of prior art references, analysis requires "consideration of two factors:

- (1) whether the prior art would have suggested to those of ordinary skill in the art that they should make the claimed composition or device, or carry out the claimed process; and
- (2) whether the prior art would also have revealed that in so making or carrying out, those of ordinary skill would have a reasonable expectation of success." *PharmaStem Therapeutics, Inc. v. ViaCell, Inc.*, 491 F.3d 1342 (Fed. Cir. 2007)

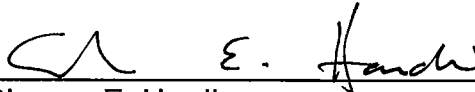
In this regard, the Federal Circuit points out that in *KSR International Co. vs. Teleflex, Inc.*, 127 S. Ct. 1727 (2007) the Supreme Court "acknowledged the importance of identifying 'a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does' in an obviousness determination." *Takeda Chemical Industries, Ltd. v. Alphaphram Pty, Ltd.*, 492 F.3d 1350, 1356 (Fed. Cir. 2007). The Examiner's statement, for example, that "the person of ordinary skill in the art would have recognized the suitability of using a tris buffer in any electrodialysis system" fails to identify any reason to combine references. In contrast, the use of a buffer system as claimed results in a substantial increase in efficiency of the product removal process. Furthermore, by preventing the loss of buffer as provided in the claimed process, the pH can be controlled automatically by adjusting the applied current, thereby reducing the need for pH control by the addition of chemicals.

Therefore, GB 1217035 in view of *Xu*, *Egen et al.*, *Hongo et al.*, and/or *Nomura et al.* fail to render claims 1-11 and 13-20 obvious. Accordingly, Applicants request withdrawal of the rejection and allowance of the claims.

**Conclusion**

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "C. E. Hardie", is written over a horizontal line.

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